

Serial No. 10/017,804

Attorney Docket No. WI 00005 (7244*121)

REMARKS

The applicants respectfully request reconsideration in view of the amendment and following remarks. Support for newly added claim 35 can be found in the previous claims 16 and 18. Support for newly added claims 36-52 can be found in claims 17 and 19-34 respectively. Support for newly added claim 53 can be found in the specification at page 4, lines 17-18. Support for claim 54 can be found in claim 16.

Claims 16-34 were rejected under 35 U.S.C. § 112, second paragraph. Claims 16-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kanda *et al.* U.S. Patent No. 5,478,690 (hereinafter referred to as "Kanda"). To the extent this amendment does not overcome the § 112 rejections, the applicants respectfully traverse these rejections.

Section 112

Claims 16-34 were rejected under 35 U.S.C. § 112, second paragraph. With respect to a dimensionally stable two-dimensional support, the applicants replaced this term with a support. This is supported in the specification at page 17, line 22 to page 18, line 8 where suitable supports in general, as well as preferred supports, are listed. Nevertheless, it is the applicants' opinion that a "two-dimensional" support is not confusing, because the term is commonly used for flat materials like foils or sheets of paper, although all have, strictly speaking, a third dimension. In view of the preceding "dimensionally stable", a person skilled in the art would know that the support should be a flat material that is dimensionally stable in the two dimensions of the main plane, but may be flexible in the third dimension.

Further, the applicants have amended "the layer" to "the radiation-sensitive layer", although "the layer", in the applicants' opinion, definitely related to the preceding "radiation-sensitive layer".

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The applicants believe the claims as amended are in compliance with 35 U.S.C. § 112, second paragraph. For the above reasons this rejection should be withdrawn.

35 U.S.C. § 102 Rejection

Claims 16-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kanda. The applicants have three independent claims (35, 53 and 54).

Kanda discloses a photosensitive resin composition that is useful for an offset printing plate and the like. The composition comprises a binder resin having an ampho-ionic group (see the abstract). A binder resin obviously is a polymer that functions as a binder. According to col. 2, line 40 to col. 3, line 7 of Kanda, the polymeric binder not only comprises ampho-ionic groups, but in addition ionic or hydrophilic substituents such as carboxyl group, sulphonic group and the like.

According to col. 2, lines 57 to 65, the acid value of the resin most preferably is 2 to 30 related to the ampho-ionic group alone and 5 to 150 for the total acid groups. Therefore, the binder resin of Kanda usually has a significant excess of acid groups related to positively charged groups (5/2 to 150/30) and therefore the polymeric binder resin of Kanda would not be called a sulphobetaine as claimed in pending claims 35, 53 and 54. Therefore, it is applicants' opinion that claims 35, 53 and 54 are novel over Kanda.

Independent claim 35 is further distinguished over Kanda because claim 35 is directed to nonpolymeric compounds of a specific formula that is not disclosed by Kanda. Therefore claim 35, as well as all dependent claims that depend upon claim 35 are new over Kanda and therefore the § 102 rejection should be withdrawn. .

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Kanda also fails to render obvious applicants' invention as Kanda does not suggest to use sulphobetaines as a surfactant (page 4, lines 17-18 and the Examples of the present invention).

For the above reasons this rejection should be withdrawn.

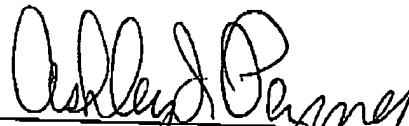
No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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